

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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UFCW LOCAL 50 PENSION FUND, LARRY  
MAGARIK *As Sole Trustee Of The UFCW*  
*Local 50 Pension Fund,*

Plaintiff,

-against-

FOOD DEPOT, INC. *f/k/a Ward's*  
*Manufacturing, Inc.,*

Defendant(s).

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**APPEARANCES:**

**Cohen, Weiss & Simon, LLP**

*Attorneys for the Plaintiffs*

330 W. 42nd Street, 25th Floor

New York, NY 10036

By: David Ronald Hock, Esq., Of Counsel

**NO APPEARANCES:**

**Food Depot, Inc. f/k/a Ward's Manufacturing, Inc., John Doe Company**

*The Defendants*

**SPATT, District Judge:**

On February 20, 2018, the Plaintiffs UFCW Local 50 Pension Fund, and Larry Magarik as the Sole Trustee Of The UFCW Local 50 Pension Fund (collectively, the Plaintiffs") filed a motion for interest and liquidated damages against the defaulting Defendant Food Depot Inc. (the "Defendant").

On February 28, 2018, the Court referred the Plaintiffs' motion to United States Magistrate Judge Steven I. Locke for a report and recommendation.

On April 24, 2018, Judge Locke issued a report and recommendation (the "R&R"), recommending that the Plaintiffs' motion be granted in its entirety and that the Plaintiffs be

awarded a total sum of \$186,203.63 plus daily interest on unpaid contributions through entry of judgment. The Plaintiffs filed proof of service of the R&R on the same day.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at \*1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the Plaintiff's motion for interest and liquidated damages is granted in its entirety. The Clerk of the Court is respectfully directed to close the case.

**SO ORDERED.**

Dated: Central Islip, New York

May 10, 2018

/s/ Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge